

January 30, 2019

PROPOSED AMENDMENTS TO SENATE BILL NO. 2347

Page 5, line 14, after "shall" insert "enforce this Act and may"

Page 5, line 15, remove "may"

Page 10, line 20, replace "A defendant in a civil action brought pursuant to this Act which prevails in an action" with "If the attorney general does not intervene in a civil action and the person bringing the civil action conducts the action and the defendant prevails in the action"

Page 10, line 22, after "purposes" insert ", the defendant"

Page 10, line 22, remove ", which must be equitably"

Page 10, remove line 23

Page 10, line 24, remove "were co-plaintiffs"

Page 10, line 24, after the underscored period insert "The state is not liable for costs, attorney's fees, or other expenses incurred by a person in bringing or defending an action under this Act."

Page 15, line 16, after "**demands**" insert "**and subpoenas - Failure to comply - Confidentiality**"

Page 15, line 21, after "demand" insert "or subpoena"

Page 15, line 21, after the second "to" insert ", under oath"

Page 15, line 25, after "the" insert "subject matter of the investigation, including any"

Page 15, line 27, after the first "demand" insert "or subpoena"

Page 15, line 30, after the underscored period insert:

"3. If a person objects to or otherwise fails to comply with a civil investigative demand or subpoena served upon that person under subsection 1, the attorney general may file in the district court a petition for an order to enforce the demand or subpoena. If the court finds the demand or subpoena is proper, the court shall order the person to comply with the demand or subpoena and may grant such injunctive or other relief as may be required until the person complies with the demand or subpoena. Notice of hearing on the petition and a copy of the petition must be served upon the person that may appear in opposition to the petition. If the attorney general prevails in an action brought under this subsection, the court shall award to the attorney general reasonable attorney's fees, costs, and expenses incurred in bringing the action.

4. Any testimony taken or material produced under this section must be kept confidential by the attorney general before bringing an action against a person under this chapter for the violation under investigation, unless confidentiality is waived by the person being investigated and the person

that testified, answered interrogatories, or produced material, or disclosure is authorized by the court.

5."

Page 16, line 2, after "Act" insert "and the person agrees to comply with the confidentiality provisions provided in subsection 4, and unless otherwise provided by state or federal law"

Renumber accordingly